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CHARTER

OF THE

CITY OF ALAM

STATE OF CALIFORN

Not up-to-

E. L. Bow

VOTED FOR AND RATIFIED BY
QUALIFIED ELECTORS OF SAID
AT A SPECIAL ELECTION
THEREIN FOR THAT PUR
ON THE 18TH DAY OF JULY,

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SENATE

Senate Concurrent Resolution. **No. 2**

INTRODUCED BY SENATOR BATES,

JANUARY 14, 1907.

REFERRED TO COMMITTEE ON MUNICIPAL CORPORATIONS.

SENATE CONCURRENT RESOLUTION No. 2.

APPROVING THE CHARTER OF THE CITY OF ALAMEDA, STATE OF CALIFORNIA, VOTED FOR AND RATIFIED BY THE QUALIFIED ELECTORS OF SAID CITY AT A SPECIAL ELECTION HELD THEREIN FOR THAT PURPOSE ON THE 18TH DAY OF JULY, 1906.

WHEREAS, The City of Alameda, a municipal corporation of the County of Alameda, State of California, now is and was at all the times herein referred to, a city containing a population of more than ten thousand inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the 27th day of January, 1906, under and in accordance with law and the provisions of Section eight of Article eleven of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of the said City of Alameda; and

WHEREAS, The said charter was on the 26th day of April, 1906, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one

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copy with the president of the board of trustees of said City of Alameda, and the other copy with the county recorder of the said County of Alameda, and filed in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the Alameda Daily Argus and in the Daily Encinal, each being daily newspapers of general circulation in said City of Alameda, and the said charter being published as aforesaid for a period of more than twenty days, the first publication thereof being made within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was, within not less than thirty days after the completion of said publication, submitted by the board of trustees of the City of Alameda to the qualified electors of said City of Alameda at a special election previously duly called and therein held on the 18th day of July, 1906; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city voting at such special election voted in favor of the ratification of such charter as proposed as a whole, excepting that a majority of said qualified electors voting at such election voted in favor of the ratification of Alternative Proposition No. 1 and of Alternative Proposition No. 2 contained in said proposed charter, which alternative propositions were therefore respectively chosen and substituted for Section 2 of Article X and for Chapter III of Article XI of said proposed charter; and

WHEREAS, Said board of trustees after canvassing said returns duly found and declared that the majority of said qualified electors, voting at said special election, had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section eight of Article eleven of the Constitution of the State of California; and

WHEREAS, Said charter so ratified is in the words and figures following to wit:

CHARTER OF THE CITY OF ALAMEDA.

ARTICLE I.

BOUNDARIES, SUBDIVISIONS AND GENERAL POWERS.

SECTION 1. The municipal corporation known as the City of Alameda shall remain and continue a body politic and corporate, by the name of the City of Alameda, and by that name shall have perpetual succession.

SEC. 2. The boundaries of the City of Alameda are hereby declared to be as follows:

Commencing at a point where the center line of High street produced in a right line northerly intersects the center line of the Tidal Canal, and thence following the center line of the Tidal Canal westerly to its intersection with the easterly boundary line of Oakland Township near the west line of Park street if extended northerly to the center line of the Tidal Canal, and running thence southerly to the southeast corner to Oakland Township, which was formerly in a small slough at the most easterly end of San Antonio Creek and always known as a part thereof (said small slough having been since filled in part and dredged along the remaining part through operations relative to the construction of the Tidal Canal); running thence westerly along the center of the said small slough originally forming part of San Antonio Creek to the center of San Antonio Creek proper; thence westerly down the center of San Antonio Creek to the westerly boundary of Alameda County; thence southeasterly along the boundary of said county to an angle thereof; thence easterly along said county line produced in a right line to a point in the line dividing sections thirty-one (31) and thirty-two (32), township two (2), south, range three (3), west, M. D. M.; thence northerly along the said section line to the northeast corner of lot one (1), section nineteen (19), township two (2), south, range three (3) west, M. D. M.; thence in a northerly direction to the center line of the Tidal Canal; thence along the center of the Tidal Canal to the point of commencement.

Unless a majority of the electors of the city shall
tively vote therefor at a general or special municipal
neither shall the boundaries of the city be changed, n
the city be consolidated with any other city, or c
county.

SEC. 3. The City of Alameda may sue and defen
courts and places; may have and use a common seal a
the same at pleasure; may purchase, receive, hold an
real and personal property and dispose of the same
common benefit; may receive bequests and donation
kinds of property in fee simple or in trust for charit
other purposes; and may do all acts necessary to ca
the purposes of such gifts, bequests and donations, wit
to manage, sell, lease or otherwise dispose of the s
accordance with the terms of the gift, bequest or trust

SEC. 4. The City of Alameda shall continue, und
charter, to have, hold and enjoy all property, real, p
and mixed, and rights of action of every nature and c
tion, of the existing municipality, and is hereby declare
the successor of the same.

SEC. 5. Suits, actions and proceedings may be bro
the name of the City of Alameda for the recovery
property, money or thing belonging thereto, in law
equity, or dedicated to public use therein, or for the e
ment of any rights of or contracts with, the city, whethe
or arising or accruing before or after the adoption
charter. All existing suits, actions or proceedings
courts or elsewhere, to which the city is a party, shall co
to be carried on by or against the city.

SEC. 6. For the purposes of the first election held und
charter, and until changed in the manner hereinafter pr
the City of Alameda shall be divided into seven wa
follows:

The First Ward, which shall include all that portion
city lying south of an east and west line passing throu
center of Bay Farm Island bridge, and known as Bay

Island, and also that portion of the city lying north of said east and west line passing through Bay Farm Island bridge, and easterly of the center line of Versailles avenue and the same center line of Versailles avenue extended in a right line northerly to the northern line of the city at the center line of the Tidal Canal.

The Second Ward, which shall include all that portion of the city not embraced in the First Ward, and lying east of a line drawn through the center of Park street, said line extended northerly to the northern boundary of the city, and southerly to the northern boundary of the First Ward.

The Third Ward, which shall include all that portion of the city not embraced in the First and Second Wards, lying east of a line drawn through the center of Willow street, said line extended northerly to the northern boundary of the city and southerly to the northern boundary of the First Ward.

The Fourth Ward, which shall include all that portion of the city not embraced in the First, Second and Third Wards, lying east of a line drawn through the center of Paru street, said line extended northerly to the northern boundary of the city, and southerly to the northern boundary of the First Ward.

The Fifth Ward, which shall include all that portion of the city not embraced in the First, Second, Third and Fourth Wards, lying east of a line drawn through the center of St. Charles street, said line extended northerly to the northern boundary of the city and southerly to the western boundary of the Fourth Ward.

The Sixth Ward, which shall include all that portion of the city not embraced in the First, Second, Third, Fourth and Fifth Wards lying east of a line drawn through the center of Sixth street, said line extended northerly to the northern boundary of the city and southerly to the northern boundary of the First Ward.

The Seventh Ward, which shall include all that portion of the city not embraced in the First, Second, Third, Fourth, Fifth and Sixth Wards.

SEC. 7. The City of Alameda shall have the right and power, either as principal or as agent;

First: To have hold, establish, construct, acquire, operate, maintain and regulate public buildings, baths, fountains, markets, dispensaries, sanitariums, hospitals. libraries, reading rooms, schools, gymnasiums, kindergartens, charitable institutions, workhouse, morgue, crematories, gas and electric works, telephone and telegraph systems, ferries, light, heat and power works and transportation service.

Second: To have, hold, acquire, construct and maintain, and to grant the right to construct and maintain, and to regulate the construction and maintenance of, all pipes, tubes, conduits, wires and electric or telegraphic apparatus in, along, over, under and across all public streets and highways; to require all telegraph and electric wires to be placed underground; and to regulate the mode of wiring houses, buildings and structures for telegraph, telephone, electric light, electric power and all other electric service.

Third: To have, hold, erect, purchase or otherwise acquire water, gas and electric works within or without the corporate limits; to supply said city and its inhabitants and persons, firms and corporations outside of said city with water, gas and electricity, and to regulate and control the use and price of water, gas and electricity so supplied.

Fourth: To sell gas, water, electric current and all products of any public utility which the city now owns or controls or which it may hereafter own or control; also to purchase gas, water, electric current or other product which may be of public utility, and to sell the same.

Fifth: To condemn, purchase, construct, own and operate, cable, electric and other railways, and to provide for the carriage of freight and passengers thereon.

Sixth: To acquire, by condemnation, purchase or otherwise, such lands or other property, as may be deemed necessary for corporate use, and to dispose of real or personal property owned by the city as the interests of the city or its inhabitants may from time to time require.

Seventh: To do and perform whatsoever is necessary or convenient for its own government and for the benefit of its inhabitants, and to do any act which the council is by this

charter or by any law now or hereafter in force, authorized to do.

ARTICLE II.

LEGISLATIVE.

Chapter I—Council.

SECTION 1. Except as otherwise provided, the legislative power of the City of Alameda shall be jointly vested in a body to be designated the council, and in a mayor.

SEC. 2. The council shall consist of nine members, seven of whom shall be nominated by the electors of the respective wards and two by the electors at large. They shall all be elected by the voters at large. Each shall hold office for four years, and until his successor is elected and qualified.

Provided, that the first council elected under the provisions of this charter shall, at their first meeting, so classify themselves by lot that three of the ward councilmen shall go out of office at the end of two years and four at the end of four years, also that one of the councilmen at large shall go out of office at the end of two years and one at the end of four years. At the time of his election each ward nominee must be an elector of the ward from which he has been nominated, and must be of the age of at least twenty-five years. He must have been an elector of the city for at least three years last preceding his election. The members of the council shall receive no pay for their services.

SEC. 3. A majority of the members shall constitute a quorum, but a less number may adjourn from time to time, and compel the attendance of absent members in such manner and under such penalties as the council may prescribe.

SEC. 4. The council shall:

One: Judge of the qualifications of its members and of all election returns.

Two: Establish rules for its proceedings;

Three: Keep a correct journal of its proceedings and allow

the same to be published. The ayes and noes shall, on demand of any member, be taken and entered therein.

Four: Choose one of its number president.

Five: Meet on the third Monday in April next succeeding the general municipal election, and hold regular meetings twice in each month and at such other times as they shall fix by ordinance. The council shall not adjourn to any place other than its regular place of meeting. The meetings of the council shall be public. Special meetings may be called by the mayor or by the president of the council or by three councilmen, by serving the members personally with written notices or leaving the same at places designated by the respective members.

SEC. 5. Every legislative act of the city shall be by ordinance. The enacting clause of every ordinance passed by the council shall be in these words: "Be it ordained by the council of the City of Alameda." The enacting clause of every ordinance passed by the people shall be as follows: "Be it ordained by the people of the City of Alameda." No ordinance shall be passed except by bill, and no bill shall be so amended as to change its original purpose. No ordinance shall be passed by the council on the day of its introduction or within five days thereafter, or at any time other than at a regular meeting or an adjourned regular meeting. Every ordinance shall be signed by the officer presiding at the time of its adoption, attested by the clerk and published at least once in a newspaper published in the City of Alameda, or advertised as hereinafter provided.

It shall not be necessary in any action to plead or prove the organization or existence of such corporation, or the passage, existence or validity of any ordinance thereof; and courts shall take judicial cognizance thereof without proof.

SEC. 6. Except as hereinafter provided no bill shall become an ordinance, or resolution be adopted unless finally passed by a majority vote of all the members of the council, and the vote taken by ayes and noes, and the names of the members voting for and against the same entered in the journal. No resolution

or order for the payment of money shall be passed at any other than a regular meeting or an adjourned regular meeting.

SEC. 7. No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted or the section thereof to be amended, shall be re-enacted at length as revised and amended. Any ordinance revised, re-enacted or amended contrary to the provisions of this section shall be void.

SEC. 8. When a bill is put upon its final passage in the council and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the next regular meeting.

SEC. 9. If any bill passed by the council containing several items appropriating money or fixing a tax levy, be presented to the mayor, he may object to one or more items separately, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the item or items to which he objects, and the reasons therefor, and the item or items so objected to shall not take effect unless passed nowithstanding the mayor's objection. Each item so objected to shall be separately reconsidered by the council in the same manner as bills which have been disapproved by the mayor.

SEC. 10. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in and about streets, bays, water fronts, or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and when let shall be let to the lowest responsible bidder, after notice by publication in the official newspaper of the city for at least twice a week for two weeks. Such notice shall distinctly and specifically state the work contemplated to be done; *provided* that the council may reject all bids presented, and re-advertise in their discretion.

SEC. 11. The council shall annually call for bids fo
city printing and advertising, and the contracts therefo
be awarded separately, and to the lowest responsible bid
Provided, that the council may reject all bids if in
opinion the bid of the lowest responsible bidder is exor
and may again call for bids, subject to the reservation l
after mentioned. If the council shall determine that th
secondly received are exorbitant, they may nevertheless
contract to the lowest bidder for such portion of the p
as the board may determine, reserving the option to
other printing from such bidder at his schedule rates;
to any printing not absolutely mentioned in the contra
board may from time to time secure the same to be d
any party who may agree to do the same at a lower rat
that scheduled in the bid for doing the city printing;
lieu of any newspaper advertising, may issue and pu
bulletin containing such matter as they are required l
to publish, sending the same by mail to the registered
of the city, to their addresses as the same shall appear
latest printed copy of the great register of Alameda C
and shall also post printed copies of such advertisem
three public places in the City of Alameda, at least fiv
before action is taken in response to said advertisement.
mailing and posting shall be conclusively deemed of the
effect as if the advertisement had been fully published
official newspaper of the city. The board shall an
designate as the official city paper, a newspaper publis
this city. All provisions of this charter are subject to th
visions of this section.

SEC. 12. Every ordinance shall take effect ten days
its passage, unless otherwise provided.

SEC. 13. Every bill and every resolution as herein
provided, which shall have passed the council and shal
been duly authenticated, shall be presented to the may
his approval. The mayor shall return such bill or reso
to the council within ten days after receiving it. If he ap
the bill he shall sign it. If he disapprove it he shall s

his objections thereto in writing. If he does not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. The objections of the mayor shall be entered at large in the journal of the council, and the council shall, after five and within thirty days after such bill or resolution shall have been so returned, reconsider and vote upon the same. If the same shall, upon reconsideration, be passed by the affirmative vote of not less than two thirds of the council, the presiding officer shall certify that fact on the bill or resolution, and when so certified the bill shall become an ordinance with like effect as if it had been approved by the mayor. If the bill or resolution shall fail to receive the votes of two thirds of the council, it shall be deemed to be finally lost. The vote on such reconsideration shall be taken by ayes and noes, and the names of the members voting for and against the same shall be entered in the journal.

SEC. 14. All ordinances and resolutions shall be deposited with the city clerk, who shall record the same in a suitable book.

All ordinances of a general, public or permanent nature, and those imposing a fine, penalty or forfeiture, shall be published at least once in the city official newspaper within three days after the same shall have become a law. The publication of all ordinances granting any franchise or privilege shall be at the exense of the applicant therefor.

SEC. 15. No ordinance passed by the council shall be repealed by the council except by ordinance adopted in the manner hereinbefore set out, and such ordinance shall be presented to the mayor for his approval as hereinbefore provided.

SEC. 16. No member of the council shall be eligible to appointment on any board or commission provided for in this charter except so designated in the charter.

Chapter II—Powers and Limitations of the Council.

SEC. 17. Subject to the provisions and restrictions in this charter contained, the council shall have power:

One: To ordain, make and enforce within the limits
city all necessary local, police, sanitary, building and
laws and regulations.

Two: To punish its members and others for disorde
otherwise contemptuous behavior in its presence, and to
for such behavior in its presence any member by the affir
vote of not less than two thirds of its members, specifyi
the order of expulsion the cause thereof; to compel attes
of witnesses and the production of papers and things per
to business, before it or before any of its committees.

Three: To establish, build and repair bridges; to se
lay out, open, widen, extend, alter and close streets, av
alleys, lanes, roads, courts, parks, boulevards, playgro
recreation grounds and other public places within said ci
fix and alter official grades; to grade, pave, curb, side
sewer, drain and otherwise improve the same; to provid
the repair, cleaning, watering, oiling, lighting and pa
thereof; to manage and control such streets, roads, high
and public places and to regulate the use thereof; to pr
regulate or prohibit the placing or maintaining of trees, l
ing posts, safety and convenience stations, signs, awning
other obstructions therein and to remove obstructions f
from; to cause to be planted, maintained and cultivated, t
trees therein; to regulate the pruning of all trees planted
maintained in public places; to levy special assessment
street improvements, and to provide for the collection o
same;

Four: To establish fire limits with proper regulations

Five: To require the owners of real property to cons
and repair sidewalks, and to remove grass, weeds and ob
tions from sidewalks in front of their property; to re
them to prune sidewalk trees as provided by ordinance
upon their neglect or refusal, to cause such work to be
the cost thereof to be made a lien upon said property or
wise recovered from such owners.

Six: To regulate and determine the character and ma
construction, plumbing, piping and wiring of buildings
may be erected in the city, and the nature and kin

materials to be used in the construction, alteration or repair of such buildings, or in the alteration or repair of existing buildings, and to restrict the height of buildings and fences.

Seven: To regulate the size and construction of the entrances and exits to and from theaters, lecture rooms, churches and other places for public gathering, and to prohibit the placing of seats, and other obstructions in the aisles and open spaces in such buildings.

Eight: To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city, or disturb the public peace, or which may be offensive to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.

Nine: To regulate or prohibit the manufacture, keeping storage and use of powder, dynamite, guncotton, nitro glycerine, fire works and other explosive materials and substances.

Ten: To regulate the storage of hay, straw, oil and other inflammable or combustible materials.

Eleven: To regulate the use of steam engines and gas engines and steam boilers, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Twelve: To provide for and maintain a city prison, and to provide for the government, maintenance and clothing of persons detained therein.

Thirteen: To declare what shall be a nuisance and to provide for the abatement of the same and for the punishment of any person or party who shall create, maintain or suffer nuisance to exist; and every act or thing done or being within the limits of the city which is or may be by law or by any ordinance of the city declared to be a nuisance shall be and is hereby declared to be a nuisance, and shall be considered and shall be treated as such in all actions and proceedings what

ever; and all remedies which are or may be given
prevention and abatement of nuisances shall apply
Fourteen: To provide a public pound and to
necessary rules and regulations in the matter of
ning at large, and for the custody, redemption, sale or
tion of the same.

Fifteen: To provide for the inspection of water
gas meters and electric meters, and of weights and
and to enforce such regulations as may be necessary to
their accuracy, and to provide for the inspection of all
ings, including those in process of construction or repair;
to provide for the inspection of all food products and
and to compel samples thereof to be furnished to
for analysis and to compel dealers to furnish the
addresses of manufacturers or other persons from
impure or adulterated food, food products or liquids
obtained; and the council may, by ordinance, prescribe
ties for the sale of goods, wares or merchandise
measuring less than represented, and for the sale of
adulterated food products or liquids, and may order
same destroyed.

Sixteen: To fix and determine by ordinance in the
February of each year to take effect on the first day of
thereafter, the rates or compensation to be collected by
person, company or corporation in the city for the
water, heat, light or power, telephonic or telegraphic or
public service supplied to the city or the inhabitants
and to prescribe the quality of the service.

Seventeen: To impose all license taxes, subject to
restrictions elsewhere in this charter contained, and to
for the collection thereof.

Eighteen: To change the boundaries of the several
in the city, subject to the provisions of this charter,
that said boundaries shall not be changed by the
oftener than once in four years nor within ninety days
to any general municipal election.

Nineteen: To authorize the granting of licenses for
lawful purpose, for revenue and regulation, and to

ordinance the amount to be paid therefor, and to provide for revoking the same; *provided* that no license shall be granted for a longer period than one year.

Twenty: To prescribe and enforce fines, forfeitures and penalties for the breach of any ordinance or resolution.

Twenty-one: To fix the fees and charges for all official services not otherwise provided for in this charter.

Twenty-two: To provide a seal for the city, which shall be the seal of the several departments, boards, commissions and officers thereof.

Twenty-three: To fix, alter, regulate and control fares and rates on all cable, electric, steam or other railways within the city; to compel the owners of two or more such roads using the same street for a distance not exceeding five blocks to use the same tracks and to equitably divide the cost of construction and maintenance thereof; to regulate rates of speed and to protect the public from danger or inconvenience in the operation of such roads; to erect construct and maintain all buildings and appurtenances necessary to the operation of such roads as may be hereafter owned or controlled by the city.

Twenty-four: To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Twenty-five: To provide for the purchase of property levied upon or under execution in favor of the city; but the amount bid on such purchase shall not exceed the sum of the judgment, interest and costs.

Twenty-six: To provide for making local improvements and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof; to determine what work shall be done or improvements made at the expense in whole or in part, of the owners of the adjoining contiguous or proximate property, or others benefited thereby, and to provide for the manner of making and collecting assessments therefor.

Twenty-seven: To provide for the deepening, widening, docking, covering, walling, altering or changing the channels

of waterways and watercourses, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks, viaducts, subways, tunnels and levees and all work which may be required for the accommodation of commerce, and to control and regulate the use thereof; also to provide for the construction and purchase of all such work or works by the city and for its use and benefit, and for the entire or partial construction, maintenance and ownership of the same by the city, or as tenant in common with any other corporation.

Twenty-eight: To control, regulate or prohibit the anchorage, moorage and landing of all water craft and their cargoes within the jurisdiction of the corporation.

Twenty-nine: To fix the rate of wharfage, storage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States; to license, regulate, control and restrain wharf boats, tugs and other boats used about the harbor or within the jurisdiction of the city.

Thirty: To make and enforce laws for the protection of fish and game within the limits of the city.

Thirty-one: By a two-thirds vote of the whole council to disapprove of any nomination to an appointive office, made by the mayor.

Thirty-two: To appropriate annually, and the council must so appropriate, to the mayor, for his own use, the sum of six hundred dollars, for which he need furnish no vouchers.

Thirty-three: To do and perform any and all other acts and things which are necessary and proper for the execution of the provisions of this charter, including the power to delegate any of the powers herein conferred; and in addition, to have all powers not in conflict with the constitution and laws of the United States or of the State of California, or in conflict with this charter or with ordinances adopted by the people.

SEC. 18. The council shall not sell or convey any portion of any water front. No lease or sale of real estate shall be

authorized by the council except by ordinance passed by the affirmative vote of three fourths of the members and approved by the mayor; and no lease shall be made for a period longer than ten years except by ordinance adopted by the people.

SEC. 19. The council must, at the time of making the annual tax levy, include therein such rate for school purposes as is elsewhere in this charter provided.

SEC. 20. The council shall appoint from its members a committee consisting of three, to be called the finance committee, and shall fill all vacancies in said committee. The finance committee shall investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury; and shall have free access to all records, books and papers in public offices or kept by public officials; shall have power to administer oaths and affirmations, to examine witnesses and compel their attendance by subpœna. The finance committee may at any time visit any of the public offices and make examination and investigations therein without hindrance.

The finance committee must, at least once in every six months, examine the official bonds of all city officers and investigate the sufficiency and solvency of the sureties thereon and report in writing the facts to the mayor. Such reports shall specify each bond with the sureties, and the amount for which each surety is bound, and shall state their opinion as to the sufficiency of each amount and the solvency of each surety. Upon such report the mayor shall take such action as may be necessary to protect the interests of the city. He may require new bonds when he deems it necessary and he may suspend any officer until a sufficient bond be filed and approved.

SEC. 21. The finance committee shall have power to examine the records and to examine and expert the books of account of all persons, companies or corporations that are required to pay a portion of their receipts into the treasury; and shall

likewise as an aid to the fixing of rates for the furnishing of water, light and power or other service to the city and to the inhabitants thereof, have like power to examine and expert the books of account of any and all persons, companies or corporations so furnishing water, light or other service.

In the exercise of its functions the concurrence of two members shall be sufficient. The finance committee shall keep a record of its proceedings, with the names of the witnesses examined and a substantial statement of the evidence taken. If from their examination it shall appear that an offense has been committed by an officer, or that an officer is in default, the committee shall immediately report to the mayor, who shall take such proceedings against such officer as are authorized by law, and may suspend him pending such proceedings. Any police officer shall execute the processes of the committee.

SEC. 22. The council shall, by ordinance, determine what officers shall give bonds for the faithful performance of their duties, and shall fix the amount of such bonds; and each of such officers shall, before entering upon the duties of his office, execute a bond to the city in such penal sum as the council, by ordinance, may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this charter ex-officio incumbent. Such bonds shall be approved by the council. All bonds when approved shall be filed with the city clerk, except the city clerk's bond, if any, which shall be filed with the mayor. All the provisions of any law of this state relating to the official bonds of officers as then existing shall apply to such bonds except as herein otherwise provided. Every officer of the city, before entering upon the duties of his office shall take and file with the city clerk the constitutional oath of office.

Chapter III—Initiative and Referendum.

SEC. 23. The basis of the percentage in this chapter provided for any petition shall be the total number of voters appearing on the great register of the County of Alameda, as

residing in the City of Alameda at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petitions herein provided for.

SEC. 24. Upon presentation to the council of a petition signed by qualified electors of the city in number equal to ten per cent. of said registered voters asking for submission to the electors of a measure fully set forth in said petition, being a measure that the council might itself adopt, the council itself must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition. But if such petition request the c· ling of a special election and be signed by qualified electors equal in number to twenty per cent. of said registered voters, then such measure, if not so enacted by the council, must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition.

SEC. 25. If such proposed measure is a measure that the council might adopt except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition be signed by qualified electors in number equal to twenty-five per cent. of said registered voters, then such proposed measure must be submitted to the electors of the city at the next regular city election occurring subsequent to sixty days after the filing of said petition.

SEC. 26. The method of signing and presenting petitions provided for herein shall be as follows: The signatures to a petition need not be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number or residence location. Each paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature

of the person whose name purports to be thereunto subscribed. Petitions shall be filed with the city clerk and by him presented to the council.

SEC. 27. Within ten days from the date of the filing of such petition in his office, the city clerk shall examine the great register and therefrom and from certificates of voters shall ascertain whether or not said petition is signed by the requisite number of qualified electors; and if necessary the council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine.

SEC. 28. If by the clerk's certificate it is shown that the petition has not been signed by the requisite number of qualified electors as herein provided, it may be amended within ten days from the date of said certificate by the farther addition of names. The clerk shall within ten days after such amendment, make like examination of said amended petition, and if his certificate shall show the same to be insufficiently signed as heretofore provided it shall be returned to the person who filed the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficiently signed as herein provided, the clerk shall present the same to the council without delay.

SEC. 29. After the first special election held hereunder, no special election shall be held under the provisions of this chapter until after the expiration of six months from the date of the holding of a preceding special election.

SEC. 30. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city at any election, the city clerk shall cause the measure to be printed, and he shall send by mail a printed copy thereof, to each voter whose name appears on the great register of Alameda County as last printed and published, at least ten days prior to election; but the council may order such measure

to be published in the official newspaper of the city in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the measure, as above provided. Ordinances and measures in connection with local improvements, the expenses whereof are to be defrayed by local assessment, shall not come within the operation of this chapter.

SEC. 31. Any measure that the council or the electorate of the city, as herein provided, has authority to adopt, the council may, of its own motion, submit to a vote of its constituent electors at a general or special election.

SEC. 32. Except as herein provided no penal ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements the expenses whereof are to be defrayed by local assessment and contracts where the subject matter involved is of less value than one thousand dollars), passed by the council shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, passed by a three-fourths vote of the whole council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the council, or as otherwise provided by law.

SEC. 33. If within said thirty days a petition signed by qualified voters of the city, in number equal to ten per cent. of said registered voters, is filed with the city clerk, asking that any penal ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements the expenses whereof are to be defrayed by local assessment, and contracts, where the subject matter involved is of less value than one thousand dollars), adopted by the council, be submitted to the electorate, then such ordinance or measure must either be repealed or be

submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition, and said petition has been signed by qualified electors of the city in number equal to fifteen per cent. of said registered voters, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall within one year be again submitted except by vote of the council at the next general municipal election, or on a petition signed by twenty-five per cent. of said registered voters. Said petition shall be in all respects in accordance with the provisions hereinbefore specified in this chapter, except as to the percentage of signers, and shall be examined and certified by the clerk in all respects as heretofore provided.

SEC. 34. If a majority of votes cast by the electors of the city on any ordinance or measure referred to in this chapter shall be in favor thereof, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city ten days after the official count has been determined; otherwise such ordinance or measure shall be repealed or rejected. Such repeal shall take effect ten days after the official count has been determined. No ordinance or measure approved by the electorate under the provisions of this chapter shall be subject to veto, or be amended or repealed except by vote of the electorate.

SEC. 35. If the provisions of two or more measures approved and adopted at the same election, under the provisions of this chapter conflict, then the measure receiving the highest affirmative vote shall control.

SEC. 36. Whenever an applicant for a franchise, or other person, shall pay in advance to the city the expenses of a special election, the council must call such special election as heretofore provided, at which the proposed ordinance shall be submitted to vote of the electors

ARTICLE III.

EXECUTIVE.

Chapter I—Mayor.

SECTION 1. The chief executive officer of the City of Alameda shall be designated the mayor. He shall be at least thirty years of age. He shall be a qualified elector of the city, and must have been such elector for three years next preceding the day of his election. He shall receive no salary. He shall be elected by the qualified voters of the city at the general city election, and his term of office shall be two years.

He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall be the presiding officer of the council, but shall have no vote. He shall vigilantly observe the conduct of all public officers, and shall take notice of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations, especially in the collection and disbursement of the public funds and the control of the public property. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the city shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of said departments, boards, officers and persons are kept in legal and proper form. For the purpose of examining into the conduct of any board, commission, committee or other body entrusted with interests pertaining to the city, he shall have the power to call a special meeting of such board, commission, committee or other body.

Any defalcation or willful neglect of duty or official misconduct which he may discover or which may be reported to him shall be laid by him before the council in order that the public interests may be protected, and the person in default be proceeded against according to law.

He shall from time to time give the council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial. He shall have

general supervision over all the departments and p
institutions of the city, and shall promote, to the best o
ability, the honest, economical and lawful conduct the

SEC. 2. He shall take all proper measures for the pres
tion of the public order and the suppression of riots
tumults, and in case of emergency shall be vested with
mand of the chief of police and of the police force, and in
case shall have power to add to the police force as may i
judgment be required.

SEC. 3. The mayor shall appoint all officers and fil
vacancies not otherwise provided for in this charter, and
appointees shall serve for the unexpired term. All
appointees shall be approved by the council as elsew
provided. Such appointees shall possess the qualifica
prescribed by this charter for their eligibility to the respe
offices.

SEC. 4. He shall see that all contracts and agreements
the city are faithfully kept and fully performed; and to
end shall cause legal proceedings to be commenced
prosecuted in the name of the city against all persons or
porations failing to fulfill their agreements or contracts, e
in whole or in part.

SEC. 5. He shall have power to suspend any city of
appointed or elected, except a member of the council, for
liction, neglect or non-performance of duty, and shall in
diately report his action in writing to the council. If
council, after hearing, approve the suspension, they
either declare the office vacant or shall continue the suspe
for such time as they may deem proper, and such vacancy
be filled as otherwise provided.

SEC. 6. In the event that the mayor shall be tempor
unable to perform his official duties, the president of
council shall act as mayor pro tempore. Should a vac
occur in the office of mayor it shall be filled by the cou
assembled for the purpose, and said appointee shall hold
the next general municinal election

Chapter II—Auditor and Assessor.

SEC. 7. An auditor shall be elected at the same time and in the same manner as the mayor. He shall be an elector of the city, and shall have been such for three years preceding his election. He shall hold office for two years. He shall be ex-officio assessor. His compensation for acting in both capacities shall be one hundred and twenty-five dollars per month.

SEC. 8. As auditor he shall keep a record of all demands allowed by him, showing the date of approval, amount and name of original holder, the number, and on what account and out of what fund payable. He must always know the exact condition of the treasury. He shall be in personal attendance at his office daily during office hours. He shall be the general accountant of the city and shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city, its debts, revenues and other financial affairs. He shall give information as to the exact condition of the treasury and of every appropriation and fund thereof upon the demand of the mayor, the council, or any committee.

SEC. 9. He shall keep an account of all moneys paid into and out of the treasury, and the treasurer shall pay no money out of the treasury except upon demand approved by the auditor.

SEC. 10. He shall approve no demand unless the same has been allowed by the officer, board, department or committee required to act thereon.

SEC. 11. Every demand approved by him shall specify on its face each item composing it and the amount and date thereof, and shall be numbered and acted upon in the order of its presentation.

SEC. 12. No demand shall be allowed in favor of any corporation or person in any manner indebted to the city, except

for taxes not delinquent, without first deducting the amour any indebtedness of which he has notice; nor in favor of person having the collection, custody or disbursement of public funds, unless his account has been presented, pas approved and allowed as herein required; nor in favor of officer who has neglected to make his official returns or rep in the manner and at the time required by law, ordinanc the regulations of the council; nor in favor of any officer has neglected or refused to comply with any of the provis of law regulating his duties, and he may refuse to audit salary demand of any officer or employe for the time he s have absented himself without legal cause from the dutie his office during office hours. The auditor may examin oath any person receiving a salary from the city touching absence.

SEC. 13. Every demand upon the treasurer must, be it can be paid, be presented to the auditor, who shall sat himself whether the money is legally due, and its payr authorized by law, and against what appropriation pay and out of what fund payable. If he allow it he shall end upon it the word "allowed," with the name of the fund ou which it is payable, and the date and consecutive numbe its allowance, and sign his name thereto.

SEC. 14. He shall have authority to take affidavits administer oaths necessary in the transaction of all business.

SEC. 15. As assessor the auditor shall perform all the d prescribed by this charter, by ordinance or by law, for as ing property in the city for the purpose of taxation. He appoint deputies in such number and for such time as ma determined by the council, their salaries to be fixed by council.

Chapter III—City Clerk.

SEC. 16. The council shall appoint a city clerk who hold office for two years from the date of his appointn unless sooner removed by resolution adopted by a maj

vote of the whole council. He shall be clerk of the council and shall be the mayor's private secretary; shall keep the corporate seal and all the books, papers, records and other documents belonging to the city the custody of which may not be otherwise provided for. He shall attend all meetings of the council and shall keep a record of its proceedings and a record of its by-laws, ordinances and resolutions, and shall perform such other duties relating to his office as the council may direct. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall attest by signature all leases and grants of the city. He shall receive a salary to be fixed by the council.

Chapter IV—Treasurer and Tax Collector.

SEC. 17. There shall be a treasurer, who shall be elected in the same manner and at the same time as the mayor, and who shall hold office for four years. He shall be ex-officio tax collector, and shall collect the licenses if so directed to do by the council.

SEC. 18. As treasurer he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance; and shall do all things required of him by any ordinance of the city.

SEC. 19. He shall pay out money belonging to the city only upon legal demands, allowed and audited in the manner provided by this charter or authorized by law.

SEC. 20. As tax collector he shall perform the duties in this charter and by the general laws of the state provided, and as directed by ordinances and resolutions. His compensation shall be fixed by the council.

SEC. 21. Whenever not in conflict with the constitution of this state, it shall be permissible, in the following manner, to abolish provision for the election of a treasurer:

An ordinance may be adopted by the vote of the electorate

under the form and restrictions elsewhere in this
provided, abolishing the provision in this chapter
election of a treasurer, and for the salary thereof, an
tuting in lieu thereof a provision for the appointm
bank or banks to act as depositary or depositaries of t
of the city. Such ordinance must provide due safegu
the proper keeping and disbursement of the funds of
It may also name the salary of the official who shall tl
be elected tax collector; and shall provide that such
lector shall make daily deposit in the proper depositai
sums collected by him as tax collector. Such ordina
be drawn to cover, supersede and repeal all the prov
this chapter. It shall not take effect until the clos
term for which the treasurer then in office has been

Chapter V—Street Superintendent.

SEC. 22. The street superintendent shall have the
care of the streets, boulevards, parks, plazas, play
and wharves of the city and it shall be his duty to fr
inspect the same. He shall receive and investigate
plaints as to their condition, and shall have charg
enforcement of all ordinances pertaining to street obst
He shall receive a salary to be fixed by the council.

SEC. 23. He shall frequently inspect all publi
pertaining to street improvements while the same are
of construction; inspect and approve or reject all
used in such construction, whether done under cor
otherwise; and shall at once report to the council all d
from contracts, and use of improper material and b
manship in such works; and shall have the power,
investigation, to stop all work thereon. He shall perf
other duties as are herein elsewhere prescribed or im
ordinance or by direction of the council. He shall d
entire time to the duties of his office.

SEC. 24. He shall be appointed by the council,
serve for a period of two years.

Chapter VI—City Engineer.

SEC. 25. It shall be the duty of the city engineer to mak all surveys, inspections and estimates required by the counci He shall receive a salary to be fixed by the council, and suc fees as may be established by ordinance.

SEC. 26. He shall examine all public work done unde contract, and report thereon in writing to the council.

SEC. 27 He shall on application of any person owning c interested in real property in the city, for a survey or pla of such property, make and deliver the same upon the paymen of his fee therefor.

SEC. 28. He shall be the custodian of and responsible fo all maps, plats, profiles, field notes, and other records an memoranda belonging to the city pertaining to his office, an the work thereof; all of which he shall keep in proper orde and condition, with a full index thereof, and all of which h hall turn over to his successor.

SEC. 29. All maps, plats, profiles, field notes, estimate and other memoranda or surveys, and other professional wor made or done by him, or under his direction or control durin his term of office for the city, shall be the property of the city

SEC. 30. He shall perform such other duties as are pre scribed by this charter or as may be imposed by ordinance o by direction of the council.

SEC. 31. He shall be appointed by the mayor with th approval of the council, as elsewhere provided, and shall serv for a period of two years.

ARTICLE IV.

JUDICIAL AND LEGAL.

Chapter I—Police Court.

SECTION 1. The judicial power of the city shall be veste a police court to be held by the police judge of the city. Sai lice court *sha* have jurisdiction concurrently with

justices' courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinances of the city, of all actions founded upon any obligations or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of Alameda county, from all judgments of said police court, in like manner and with like effect as in cases of appeals from justices' courts.

SEC. 2. The police judge shall be judge of the police court and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall receive for his services a salary to be fixed by the council, and in addition thereto, shall be entitled to charge and receive such fees as are or may be allowed by law to justices of the peace for like services in civil actions.

SEC. 3. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in any justice of the peace residing in the county.

SEC. 4. The police judge must be an attorney-at-law, duly admitted to practice by the supreme court of the state. He shall be elected in the same manner and at the same time as the mayor and shall hold office for four years.

SEC. 5. The foregoing provisions of this article shall not take effect until the council shall deem it necessary or expedient to establish a police court, as above provided for, and shall by ordinance so declare and establish the same. Until the

council shall so ordain, the provisions of the general laws of the state applicable to city justices of the peace shall be and continue in full force and effect.

Chapter II—City Attorney.

SEC. 6. There shall be a city attorney who shall be appointed by the council, and who shall have been an elector of the city for at least four years next before his appointment, and shall be an attorney and counselor-at-law duly admitted to practice by the supreme court of the state, and shall have actually been engaged in the practice of his profession for a period of at least four years next before his appointment, and whose term of office shall be two years and until his successor is appointed and qualified. It shall be his duty to prosecute on behalf of the people all criminal cases before the police court and justices of the peace, for all violations of this charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party or in which the city may be legally interested. He shall be in attendance at every meeting of the council unless excused therefrom; and shall give his advice or opinion in writing whenever required by the council, board of education or other city officers. He shall be the legal advisor of all city officers; he shall approve the form of all bonds given to and all contracts made with the city; he shall, when required by the council or any member thereof, draft any and all proposed ordinances for the city and amendments thereto; and he shall do and perform all such things touching his office as the council or mayor may require of him, and shall, at the expiration of his term, surrender all books, papers and documents pertaining to the city's business over to his successor. He shall receive a salary to be fixed by the council.

ARTICLE V.

FINANCE AND TAXATION.

Chapter I—Levying of Taxes.

SECTION 1. On or before the second Monday of May in each year the heads of departments, offices, boards and com-

missions of the city shall send to the council an estimate in writing of the amount of expenditure, specifying in detail the objects thereof, required in their respective departments, offices, boards and commissions for the fiscal year next ensuing, including a statement of the salaries of their subordinates. Duplicates of these estimates shall be sent at the same time to the auditor.

SEC. 2. On or before the first Monday of June in each year the auditor shall transmit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for all outstanding funded debts and the wants of all the departments of the municipal government in detail, showing specifically the amount necessary to be apportioned to each fund in the treasury; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

SEC. 3. The council shall have power, and it shall be their duty to provide by ordinance, a system for the assessment, levy and collection of all city taxes, not inconsistent with the provisions of this charter, which system shall conform, as nearly as the circumstances of the case may admit, to the provisions of the laws of this state in reference to the assessment, levy and collection of state and county taxes, except as to the time for such assessment, levy and collection;

Provided that taxes on real property shall be due and delinquent at the same time that state and county taxes are now due and delinquent.

SEC. 4. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made. Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by

the unknown owner of such property when assessed to an unknown owner. The judgment shall attach as of twelve, noon, on the first Monday in March of each year, and shall not be satisfied or discharged until the tax assessed against the property is paid, or the property sold for the payment thereof.

SEC. 5. The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of state and county taxes levied in Alameda county. The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of state and county taxes in said county;

Provided, that the council may, by ordinance, regulate the time or times and the method of the collection of said taxes within each fiscal year, and prescribe by what officer the respective duties appertaining to such collection and enforcement shall be performed; and such proceedings, sales, certificates and conveyances had, made, and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of collections of state and county taxes in said county.

SEC. 6. All sales for delinquent taxes shall be made to the City of Alameda, unless otherwise regulated by ordinance.

SEC. 7. The council may, by an order entered upon its journal, extend for not exceeding thirty days the time fixed in this article for the performance of any act.

SEC. 8. All fines and forfeitures arising under the revenue and taxation laws as applied to the city, may, in civil cases, be recovered in the name of the city, and, together with all other moneys collected or received by any officer of the city,

under said laws, shall be for the use of the city. When real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city in like case and in like manner, and with like effect as it may be struck off or sold to the state when offered for sale for state and county taxes, and the council shall have the same powers and duties in relation to such property as are given by law to the state board of equalization in case of a sale to the state, but no certificate or receipt need be delivered to the state controller.

SEC. 9. No officer shall be required to send or transmit any statement or report to any state officer or board.

SEC. 10. All papers and instruments required to be filed or recorded with or by the county recorder by the revenue or taxation laws of this state, shall, under said laws as applied to the city, be, in like manner and with like effect, filed with and recorded by the county recorder of Alameda county.

SEC. 11 Whenever the council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, school building, high school building, sewer, property, water right, bridge, canal, tunnel or other public improvement, or utility, the cost of which in addition to the other expenditures of the city will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose and proceed therein as provided in the constitution of this state and the general law or laws thereof, now or hereafter in force.

SEC. 12. Except as otherwise provided in this charter no money shall be drawn from the treasury unless in consequence of appropriations made by the council and upon warrants duly drawn thereon by the auditor.

SEC. 13. No warrant shall be drawn except upon an unexhausted specific appropriation.

SEC. 14 No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessments

upon the property benefited, shall be binding or of any force unless the auditor shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract as certified by the board or officer making the same. This provision shall not apply to work done or supplies furnished, involving the expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract by public letting. The auditor shall make such endorsement upon every such contract so presented to him, if there remain unapplied and unexpended such amount so specified by the officer making the contract, and thereafter shall hold and retain such sum to pay the expense incurred until the contract shall be fully performed. The auditor shall furnish monthly, and oftener if requested, to the head of each department a statement of the unexpended balances of the appropriation for such department.

SEC. 15. The amount of the tax levy shall be sufficient to provide for the payment during the fiscal year, of all demands upon the treasury authorized to be paid out of the same; but such levy exclusive of the tax to pay the interest and maintain the sinking funds of bonded indebtedness of the city, and exclusive of the tax to pay for street and sewer work and to pay for the maintenance and improvement of the parks, squares and public grounds of the city shall not exceed the rate of one dollar on each one hundred dollars valuation of the property assessed. The council in making the levy shall apportion the taxes to the several funds.

SEC. 16. The limitation in the section last preceding shall not apply in case of any great necessity or emergency. In such case the limitation may be temporarily suspended, so as to enable the council to provide for such necessity or emergency. No increase over the dollar limit shall be made in the rate of taxation authorized to be levied in any fiscal year,

unless such increase be authorized by ordinance adopted by vote of the people or passed by a three-fourths vote of the council and approved by the mayor. The character of such necessity or emergency shall be recited in the ordinance authorizing such action, and be entered in the journal of the board. Nothing in this section shall authorize the incurring of liabilities against the treasury not allowed by law or which cannot be paid out of the income and revenue provided, collected and paid into the proper fund as its proportion of the same for such fiscal year, or permit liabilities or indebtedness incurred in any one fiscal year to be a charge upon or paid out of the income or revenue of any other fiscal year.

SEC. 17. The council shall, subject to the provisions of this charter, fix the amount of municipal revenues and provide by ordinance for the collection thereof. They shall, from time to time, provide for the payment of the interest and principal of the bonds for which the city is liable.

SEC. 18. The council shall authorize the disbursement of all public moneys except as otherwise specifically provided in this charter.

SEC. 19. At the close of each fiscal year, if all demands against each fund have been paid or satisfied, and all disputed or contested demands fully adjudicated, the council shall direct the treasurer to transfer all surplus moneys to the general fund except such surplus moneys as are in the several interest and sinking funds, in the school fund, in the library fund and in such other funds the disposition of whose surplus moneys is in this charter otherwise provided for.

SEC. 20. The assessment of property within the city made by the county assessor of Alameda county and the state board of equalization may be the basis of taxation of the city, unless the council on or before the fourth Monday of July in any year, shall, by ordinance, elect to have an independent assessment made by the city assessor for such year; in which event such ordinance shall prescribe the time within which such assessment shall be made, and the method of making the same,

and shall provide for such clerical assistance as may be required to properly prepare such assessment.

SEC. 21. Should any property in the city, however, not be assessed by the county assessor, the city assessor shall assess and enter the same in the "Subsequent Assessments" provided for in the next section.

SEC. 22. It shall be the duty of the assessor at any time subsequent to the first Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head "Subsequent Assessments," and shall deliver a true copy thereof, duly certified by him, to the city clerk, to be by him compared with the entries on the assessment roll.

SEC. 23. The council shall meet at the usual place of holding meetings on the first Monday of September of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been received. They shall have power to hear complaints, and to correct, modify or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. They may also, partially, or wholly, relieve from taxation any improvements, structures or fixtures used exclusively for manufacturing, erected or placed in the city subsequent to the first day of January, 1906:

Provided, that no particular property shall be exempt from taxation for more than two years.

SEC. 24. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which said tax is to be levied in said year.

Chapter II—The Several Funds.

SEC. 25. The income and revenue paid into the treasury shall be at once apportioned to and kept in separate funds one of which shall be designated the general fund, and which shall consist of money received into the treasury not specifically apportioned to any other fund.

SEC. 26. Except as otherwise provided in this charter, any moneys remaining at the end of any fiscal year in any interest and sinking fund or in a fund provided by a special bond issue for a specific purpose, the school fund, the library fund and the electric fund, shall be carried forward and apportioned to the respective funds for the ensuing fiscal year.

SEC. 27. Any demand against the treasury or against any fund thereof remaining unpaid at the end of the fiscal year for lack of money applicable to its payment, may be paid out of any money which may subsequently come into the proper fund from delinquent taxes or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue when collected.

Chapter III—The Custody of Public Moneys.

SEC. 28. All moneys arising from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the city in his official capacity, or from any department of the city, for the performance of any official duty, and all moneys accruing to the city from any source, and all moneys directed by law or by this charter to be paid or deposited in the treasury, shall be paid into the treasury. All officers or persons collecting or receiving such moneys must pay the same into the treasury daily.

SEC. 29. No salaried officer, except as otherwise provided in this charter, shall receive or accept any fee, payment or compensation either directly or indirectly for any services performed by him in his official capacity, or any fee, payment or compensation for any official service performed by any of

his deputies, clerks or employés, whether performed during or after official business hours. No deputy, clerk or employé of such officer shall receive or accept any fee, compensation or payment other than his salary as now or hereafter fixed by law, for any work or service performed by him of any official nature, or under color of office, whether performed during or after official business hours.

SEC. 30. Every fee, commission, percentage, allowance or other compensation authorized by law to be charged, received or collected by any officer for any official service, must be paid daily by the officer receiving the same, to the treasurer, except as otherwise provided in this charter. The treasurer shall place the same to the credit of the general fund.

SEC. 31. The auditor or other proper officer must deliver from time to time to the treasurer, and to every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, for the performance of any official service or duty, as many official receipts as may be required, charging therewith the treasurer or other officer receiving them. Such receipts must be bound into books containing not less than one hundred such receipts, and numbered consecutively, beginning with number one in each class required for each officer for each fiscal year, and provided with a stub corresponding in number with receipt. When the books containing receipts are exhausted by the officer receiving them, he shall return the stubs thereof to the auditor or other proper officer, in whose custody they shall remain thereafter.

SEC. 32. When a receipt as herein provided is issued by the treasurer or other officer, he must state therein the date of payment, the name of the person making the payment, and the amount of such payment, the nature of the service for which the charge is made, and the name and official designation of the officer performing the service, and shall make corresponding entries on the stub of each receipt.

SEC. 33. On the first day of each month the treasurer, tax collector and city marshal, and every officer authorized by law

to charge any fee, commission, percentage, allowance, or compensation, must make to the auditor a report under oath of all moneys received by him during the preceding month, showing the date and number of the receipt on which the money was received, the amount of each payment, by whom paid, the nature of the service, and the name and official designation of the officer performing the service. At the same time, or oftener, if required by the auditor, each officer above named shall exhibit to the auditor all official receipts received by him during the preceding month, and all official receipts remaining in his hands, unused or not issued, at the close of business on the last day of the preceding month.

SEC. 34. The demand of the auditor for his monthly salary shall be audited and allowed by the mayor. All other demands on account of salaries fixed by law, ordinance or this charter, and made payable out of the treasury, may be allowed by the auditor without previous approval. All demands payable out of any fund in the control of any board, commission or committee, before they can be allowed by the auditor or paid, must be regularly approved by such board, commission or committee. All demands on the treasury for salaries, wages, compensation of deputies, clerks, assistants or employés in any office or department must, before they can be audited or paid, be first approved in writing by the officer, board or department of authority under whom or in which such demand originated. All other demands payable out of any fund in the treasury must, before they can be allowed by the auditor or paid, be approved by the department, board or officer in which or with whom the same have originated, and in all such cases must be approved by the council, and if for more than two hundred dollars, also by the mayor.

SEC. 35. Every demand against the city shall, in addition to the other entries and endorsements upon the same required by this charter show: 1. The ordinance or authorization under which the same was allowed. 2. The name of the board, department or authority authorizing the same. 3. The fiscal year within which the indebtedness was incurred. 4.

The appropriation provided to meet the demand. 5. The name of the specific fund out of which the demand is payable. Each demand shall have written or printed upon it a statement that the same can only be paid out of the income and revenue provided, collected and paid into the proper specific fund in the treasury for the fiscal year within which the indebtedness was incurred.

ARTICLE VI.

PUBLIC SCHOOLS AND LIBRARIES.

Chapter I—Board of Education.

SECTION 1. The government of the school department of the city shall be vested in a board of education, to consist of five members, to be called school directors, who shall receive no compensation. They shall be appointed by the mayor, subject to approval by the council as provided in Article II, Sec. 17, subdivision thirty-one, and shall hold office for the term of five years and until their successors have been appointed and qualified;

Provided, that the directors first appointed shall, at their first meeting, so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three, four and five years after their appointment. Any vacancy occurring prior to the expiration of a term shall be filled by appointment by the mayor in the manner heretofore provided, such appointee to serve for the remainder of the unexpired term.

SEC. 2. The board shall organize within one week after the first appointment, and annually thereafter, by electing one of its number president, whose term of office shall be one year and until his successor is elected and qualified.

SEC. 3. The board shall hold regular meetings at least once in each month, and at such other times as it may determine by its rules. Special meetings may be called at any time by its president; and the president shall call a special meeting at any time when requested in writing so to do by any two

members. It shall establish rules for its proceedings. The presence of a majority of its members shall be necessary for the transaction of business. In every instance where a power is exercised by the board under this article the vote thereon shall be taken by ayes and noes and entered on the minutes of the board, except otherwise provided in this charter.

SEC. 4. In addition to the powers and duties prescribed by the general laws of the state, the board of education shall have power:

One. To establish and maintain public schools in the city of Alameda, including kindergarten, primary, grammar, high, technical, evening and physical and manual training schools, and to change, consolidate and discontinue the same as public welfare may require.

Two. To manage and control the school property.

Three. To employ, pay, promote, transfer and dismiss such teachers and persons and at such times as may be necessary to carry into effect its powers and duties; to fix, alter and approve their salaries and compensation, and to withhold for good and sufficient reasons the whole or part of the salaries or compensation of any person or persons employed as aforesaid.

Four. To make, establish and enforce all necessary rules and regulations for the government, efficiency and progress of the schools.

Five. To establish and regulate the grade of schools and adopt a course of study, not in conflict with that prescribed by higher state authority.

Six. To provide the school department with all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

Seven. To build, repair, alter, rent and provide school houses and to furnish them with proper furniture, apparatus and appliances, and to insure any and all school property against loss by the elements.

Eight. To recommend and arrange for the purchase, sale, lease and exchange of school lots and other school property for the City of Alameda; to take charge of any and all real

estate and personal property which may have been or may hereafter be acquired for the use and benefit of the public schools of the city; *provided* that no real estate shall be bought, sold or exchanged without the consent of the council or of the people evidenced by ordinance; *and provided further* that the proceeds of any such sale of real estate or of personal property shall go into the school fund of the city.

Nine. To sue and to prosecute and defend actions at law or in equity in the name of the board of education, and to employ counsel therefor in case the city attorney be disqualified or unable to act. Service of process upon the president or upon the majority of the members of the board shall be sufficient to give jurisdiction.

Ten. To establish regulations for the proper use, application and manner of disbursing for school purposes only, all moneys belonging to the school fund, subject to the forms and methods of accounting required by the city auditor.

Eleven. To admit non-resident children to any department of the public schools at their discretion, upon the payment as the board may direct, of tuition fees to be fixed by the board; *provided* that said fees shall not be less than the cost per capita per pupil.

Twelve. To admit, and it shall be their duty to admit adults to free tuition in evening schools, but no child under the age of twelve shall be admitted to such schools.

Thirteen. To employ and dismiss school census marshals, and to fix, alter, allow and order paid their compensation.

SEC. 5. The board of education shall appoint a superintendent of schools whose term of office shall be four years, unless sooner removed by a four-fifths vote.

SEC. 6. In any investigation by the board into matters connected with the school department, the president of the board of education is vested with the power of issuing subpœnas, and the board can compel the attendance of witnesses and the production of documentary and other evidence. The president and each member of the board is vested with the power of administering oaths or affirmations in all matters pertaining to the school department.

SEC. 7. No teacher shall be elected to a position in any of the public schools of the city unless he or she be a properly accredited graduate of either a California State Normal school, the University of California, the Leland Stanford Junior University, or of an institution of equal rank, or who has had at least two years' successful teaching experience.

Chapter II—Superintendent of Schools.

SEC. 8. It shall be the duty of the superintendent to give his full time to the duties of his office as the same may be prescribed by law, by this charter and by the board of education. His compensation shall be fixed by the board of education. He shall be ex-officio secretary and shall act as bookkeeper for the board without pay as such. He shall keep his books and accounts in conformity with the requirements of the auditor.

SEC. 9. There shall be appointed by the board an assistant secretary, at a salary to be fixed by the board. The secretary and assistant secretary shall each have power to administer oaths and affirmations in matters connected with the school department.

SEC. 10. The superintendent shall attend all sessions of the board and shall report to the board upon such subjects and in such detail as may be required by the board, or as he may deem for the interest of the department.

Chapter III—School Finances.

SEC. 11. It shall be the duty of the board of education to fix and determine annually the amount of school tax necessary for the establishment, support and maintenance of the public schools of the city and for the carrying into effect all provisions of law regarding the same; and in pursuance of this provision the board shall on or before the second Monday in May of each year, submit in writing to the council an estimate of the whole amount of money to be received from the state and county, and an itemized estimate of the amount to be required from the city for the above mentioned purposes;

and the amount so found to be required from the city shall, by the council, be added to the amounts otherwise provided by them to be assessed and collected for city purposes, and when collected the proceeds thereof shall immediately be paid into the school fund of the city, to be drawn out only on order of the board of education as herein provided;

Provided that such annual tax shall not, for high school purposes, exceed the sum of fifteen cents, and for all other schools, the sum of twenty cents, on each one hundred dollars of the assessed valuation of the real and personal property within the city, to be exclusive of all taxes levied for the purpose of paying principal and interest on bonded indebtedness.

SEC. 12. All claims against the school department which shall have been allowed by the board of education in the manner and form prescribed by it, this charter and the auditor, shall be paid by the treasurer upon warrants ordered drawn by the board of education, signed by its president and secretary and by the auditor, from the proper designated fund of school moneys.

Provided that the board of education shall not have power to create any debts or liabilities in any one year to exceed the available funds of that year, under the control of the board of education and justly applicable for school purposes for such year;

Provided further, that in case of disaster from fire, water, riot, earthquake or public enemy the board of education may, with the approval of the mayor and council, incur extraordinary expenses for the repair, construction and furnishing of school houses, in excess of the annual limit provided by this charter, and the council may, by ordinance, cause to be transferred to the school fund from the general fund sufficient moneys to pay the same.

SEC. 13. The board shall cause to be prepared in July of each year, a detailed tabulated statement showing the income and expenditures of the department, and such other information as to employés, attendance, etc., and general condition of the schools as will fully show the work accomplished by the department during the previous year.

Chapter IV—Teachers' Annuity Fund.

SEC. 14. The provisions of this chapter shall take effect upon and after a referendary vote has been taken thereon, and the majority of the qualified electors voting thereon have voted therefor.

SEC. 15. It shall be the duty of the council to provide annually for the levy and collection of a tax of five mills on each one hundred dollars of taxable property in the city. The proceeds of this tax shall be set apart in the city treasury in a fund to be known as the Teachers' Annuity Fund, and said fund shall be drawn upon for no purpose other than the purposes in this chapter designated.

SEC. 16. Subject to the provisions of this charter the board of education shall have control of the disbursement of this fund and said board is empowered to receive donations and bequests to said fund, which donations and bequests, if in money, it shall immediately on receipt thereof, deposit in the city treasury to the credit of the fund.

SEC. 17. Any teacher who shall have served thirty years in the public schools of this city shall be entitled to retire from service and to become an annuitant under the provisions of this chapter. Any teacher who shall have served twenty-five years in the public schools of this city, and who shall, by the board of education, have been discharged from service by reason of incapacity shall be entitled to become an annuitant.

SEC. 18. Any person who, under the provisions of this chapter, shall be entitled to become an annuitant, shall be entitled to receive, subject to the provisions hereinafter set forth, such sum per month as shall equal fifty per cent. of the average salary paid to said teacher during the last ten years of his or her term of service in the public schools of the City of Alameda.

SEC. 19. Whenever there shall be in the teachers' annuity fund a sum sufficient therefor the board of education shall

cause to be drawn on said fund warrants in payment of annuities to all annuitants entitled to receive the same. In case there be not sufficient money with which to make one month's payment of all the annuities otherwise due and payable to said annuitants, then the board of education shall defer the drawing of the warrants aforesaid, until such time as there shall be in said fund sufficient money to pay the same.

Chapter V—Free Library.

SEC. 20. The Alameda Free Library shall be under the management of a board of five trustees, to be known as the board of library trustees, and who shall serve without compensation. They shall be appointed by the council, and shall hold office for the term of five years and until their successors have been appointed and qualified; *provided, however,* that the trustees first appointed shall at their first meeting so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three, four and five years after their appointment. Any vacancy occurring prior to the expiration of a term shall be filled by appointment in the manner heretofore provided, such appointee to serve for the remainder of the unexpired term.

SEC. 21. The board shall organize within one week after the first appointment and annually thereafter, by electing one of its number president. It shall also elect a secretary, who shall hold office during the pleasure of the board.

SEC. 22. The board shall appoint a librarian and such other employés as may be necessary, and fix their compensation and may remove them at their will.

SEC. 23. The board shall have full charge, management and control of the library and of all the real and personal property thereto belonging, or that may be acquired by loan, purchase, gift, devise or otherwise, when not inconsistent with the terms and conditions of the gift, devise or bequest, or with this charter. Regular meetings shall be held once in each month, and special meetings may be held as the board

may determine. A majority of its members shall constitute a quorum.

SEC. 24. The board shall have power:

One. To make and enforce such rules, regulations and by-laws as may be necessary for the administration, government and protection of the library and all the property thereto belonging or in its custody.

Two. To administer any trust declared or created for such library.

Three. To purchase any and all real and personal property necessary for the purposes of the library, and to repair, sell or otherwise dispose of personal property.

Four. To draw warrants, duly certified by the president and secretary on the library fund, to pay authorized expenditures, which warrants, when duly audited, the treasurer shall pay out of said fund; and generally to do and perform all acts necessary for the proper carrying into effect of the provisions of this charter with reference to the library.

Five. To establish, maintain or discontinue such branches of the library as the board may deem best.

SEC. 25. The board shall, annually, on or before the first Monday of July of each year, make a report to the mayor and council giving a full statement of the condition of its trust, and a statistical resumé of all matters pertaining to the library property and management occurring during the previous year, and shall, on or before the second Monday of May in each year, recommend such tax levy or other matter pertaining to the library as to them may seem necessary or of interest.

SEC. 26. There shall be levied by the mayor and council and collected as in other cases, annually, a tax not exceeding one mill on the dollar of the assessed value of taxable property in the City of Alameda for the purposes of the library.

SEC. 27. All money and revenue derived for the use of the library, from whatever source, shall be paid into the city treasury and be known as the library fund, which shall be kept separate from all other funds and which shall be drawn

upon and used only for the purposes of the library as herein authorized.

ARTICLE VII.

POLICE AND FIRE.

SECTION 1. The police and fire departments shall be under the management of a board of three commissioners to be appointed by the mayor from among the qualified electors of the city, subject to approval by the council as elsewhere provided. They shall hold office for the term of four years, except the first board appointed. They shall be the head of the police and fire departments.

SEC. 2. The commissioners shall enter upon their duties within thirty days after their appointment, and they shall organize as a board by electing one of their number president. At the first meeting of the board the commissioners shall, by lot, so classify themselves that one of their number shall hold office for a term of two years, one for a term of three years and one for a term of four years. The board shall establish rules and regulations governing its proceedings and for the regulation and conduct of its officers, clerks, and employés; and may require bonds from its subordinates for the faithful performance of their duties.

SEC. 3. The board shall hold regular meetings at least one a month and special meetings at such other times as it may appoint, or of which the president may give notice. The regular meetings shall be held on a day and at an hour fixed by resolution entered upon the records of the board, and which shall not be changed except by similar resolution, of which notice shall be posted for two weeks in the office of the board. The meetings of the board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution.

SEC. 4. The board shall keep a record of its transactions, specifying therein the names of the commissioners present

at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length and the record shall be approved by the board.

SEC. 5. The officers, members and employes of the police and fire departments shall be appointed by the board; but no appointment or removal shall be made by the board for political purposes, nor shall any removal be made except for cause established to the satisfaction of the board, after due investigation or trial. The salaries of officers, clerks, and employes of the board except so far as the same are otherwise designated in this charter, shall be fixed from time to time by the council in its discretion on recommendation of the board.

SEC. 6. The board shall have power:

One. To prescribe the qualifications, duties, badges of office and uniforms of officers, members and employes of said departments.

Two. To prescribe rules and regulations for the government and discipline of the same, and to prescribe and enforce penalties for their violation.

Three. To hear and determine all complaints of misconduct, inefficiency, violation of the rules and regulations, or other charge against any officer, member or employe of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline and efficiency of said departments.

Four. To appoint and remove at their discretion special policemen, who shall be under the supervision and control of the chief of police: *provided, however*, that the compensation of said special policemen shall in no event be chargeable to the city, unless appointed by authority of the mayor.

Five. To make all necessary rules and regulations to carry into execution the foregoing powers, and all other powers vested in said board by this charter, or by any ordinance passed pursuant thereto, or by the constitution and laws of this state, and in general to manage and control said departments.

SEC. 7. The board shall have the custody and control of all property, buildings and equipments now or hereafter used by or belonging to said police and fire departments.

SEC. 8. The board shall annually report to the council an estimate of the amount of money that will be required to pay all salaries and expenses of the police department and of the fire department for the ensuing year, specifying in detail the proper items for which the same will be required.

SEC. 9. The board shall make semi-annual reports to the council of its acts and expenditures, and also of the condition of said departments.

SEC. 10. The board shall determine and report to the council as to the necessity of constructing cisterns and erecting hydrants in particular localities, the necessity for additional houses, apparatus, material, supplies, engines, horses, hooks and ladders, and also as to alterations and repairs required; but the action of the board with respect to the necessity of these matters shall be only advisory to the council, and none of the matters and things in this section enumerated shall be done or provided until the same shall have been authorized by the council. All contracts let and work ordered for said departments shall be let and ordered by the council; and the board shall see that the same are faithfully carried out and performed; *provided, however,* that the board shall have power to make repairs upon engines and other property in their custody and under their control when the necessity for such repairs is urgent, and the cost thereof does not exceed the sum of one hundred and fifty dollars the bills for such urgent repairs to be ordered paid by the council.

SEC. 11. First. The police department shall consist of a chief of police, who shall be the executive head of the police department, and such sergeants, detectives and patrolmen as may be necessary, not exceeding in the aggregate, on the regular force, one to every one thousand inhabitants of the city.

Second. The employes of the fire department shall consist of a chief engineer, who shall be the executive head of the

department, and such number of assistant engineers, fire wardens, and other employés as the council may, by ordinance, authorize on recommendation of the board.

SEC. 12. Any officer, member or employé of the police or fire departments, guilty of any legal offense, inefficiency, neglect of duty, absence without leave, breach of discipline, disobedience of orders, violation of rules, or any conduct injurious to public peace or welfare, or detrimental to the department of which he may be an officer, member or employé, shall be liable to be punished by reprimand, forfeit of pay for a specified time, suspension or dismissal from the department of which he may be an officer, member or employe; but not more than thirty days' pay shall be forfeited for any one offense. All moneys so forfeited shall be paid into a fund to be established and disbursed under such regulations as the board may adopt, for the benefit of the sick and disabled members and the families of deceased members of the department of which the offender may be an officer, member or employé. The board shall render to the council a verified itemized account of all moneys so received and disbursed during the preceding year.

SEC. 13. In all investigations or trials conducted by said board, the president thereof shall have the power to issue subpœnas for and compel the attendance of witnesses and the production of papers before it. Such subpœnas shall be served by any policeman. Any member of the board may administer oaths and affirmations in the conduct of said investigations.

SEC. 14. The officers and employés of both the police and fire departments, employed by the city at the time of the adoption of this charter, shall be retained in their several positions, unless removed for cause as hereinbefore provided.

ARTICLE VIII.

HEALTH.

SEC. 1. There shall be a health department under the management of a board of health. Said board of health shall consist of [illegible] shall be appointed by the council,

and of whom four shall be physicians, duly licensed under the laws of the State of California. One may be appointed from among the councilmen.

The members of the board, as such shall serve without compensation. They shall hold office for the term of five years and until their successors are appointed and qualified; *provided,* that the members of the board first appointed shall at their first meeting so classify themselves that they shall go out of office at the expiration of one, two, three, four and five years respectively.

SEC. 2. The board shall organize within one week after the first appointment, and annually thereafter, by electing one of its number president, whose term of office shall be one year and until his successor is elected.

SEC. 3. Regular meetings of the board of health shall be held at least once each month, and special meetings when called by the president or by any two members, and all meetings shall be public.

SEC. 4. Said board of health shall have supervision of all matters appertaining to the sanitary condition of the city and the public institutions thereof, and full powers are hereby given to said board over all questions of foul drainage, and the disinfection and sanitary cleaning of streets, alleys, cellars, cesspools, sewers, or nuisances of any description, and of places within the city limits so situated as to receive and retain unhealthy deposits.

SEC. 5. The board of health shall exercise a general supervision over and be the custodian of all the death records now belonging to the city, and they shall cause to be kept in books prepared for the purpose, complete records of all deaths and the causes thereof, and shall also keep a record of all births occurring in the city. They shall adopt such forms and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure reliable, vital and mortality statistics in the city, and to prevent the spread of contagious and infectious diseases. They shall have power

to prevent or forbid communication with infected families or houses, and by the consent of the council may provide and maintain ambulances and may establish a pest-house and provide the necessary attendants and supplies therefor.

SEC. 6. The council may, by ordinance or otherwise, make and enforce such orders and regulations as the board of health may from time to time recommend; and all expenses necessarily incurred by the board of health in carrying out the provisions of such orders and regulations shall be provided for by the council.

SEC. 7. The sum in the annual budget for the city tax levy apportioned by the council for the use of the health department shall be deposited in the city treasury as a fund to be known as the health department fund. Said fund shall be under the exclusive control of the board of health, subject to such restrictions as are provided in Article III, Chapter II of this charter.

SEC. 8. The board of health, within two weeks from the time of its organization, shall elect a city physician, who shall also act as health officer and secretary of the board of health. He shall receive such compensation for all his services as may be fixed by the board of health. He shall not be a member of the board of health. He shall be an elector of the city and a duly licensed physician under the laws of the State of California, and actually engaged in the practice of his profession therein. He shall hold his office during the pleasure of the board and must see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the board of health are properly enforced. He shall keep a full record of all the transactions of the board of health, as well as all the records appertaining thereto. He shall have the powers of a police officer, and shall make an extended annual report to the board of the affairs pertaining to his office, including mortuary and other statistics, with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper.

SEC. 9. The city physician shall attend, when called upon, the indigent sick or wounded in the city, and shall have charge of any receiving hospital or dispensary established for the benefit of emergency cases and the sick poor, and when deemed necessary by the board of health, he may employ nurses to assist him in the care of the sick or wounded.

SEC. 10. The city physician, as health officer, shall visit, once in each quarter, all public buildings and school houses in the city. During such visits he shall examine the manner in which they are lighted, ventilated, and heated, and particularly as to their sanitary condition.

SEC. 11. The city physician, as health officer, shall promptly report in writing to the city superintendent of schools the name and residence of every person sick with any infectious or contagious disease. Said city superintendent of schools, when so notified, must refuse admittance to the schools of any member of a household one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician, or from the health officer, that there is no longer any danger from infection or contagion.

SEC. 12. When a case of infectious or contagious disease is reported to the city physician, he may visit the premises where the person is, and, when satisfied that said disease exists, he shall place a yellow flag or conspicuous notice on said premises, which shall remain during the continuance of the said disease on said premises.

SEC. 13. The city physician may cause to be removed to a hospital any person in the city affected with smallpox, and may, with the consent of the board of health, cause to be removed to a hospital any person affected with any infectious disease. When a case of smallpox exists in any house, and the person so affected is not removed to said hospital or pest-house, the health officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires.

SEC. 14. The city physician shall vaccinate, free of charge, all poor persons applying to him.

SEC. 15. Within two weeks from the time of its organization, the board of health shall appoint a veterinarian and food inspector, and may from time to time appoint additional food inspectors, whose duties shall be prescribed by the board and who shall hold office during the pleasure of the board, and shall receive such compensation as may from time to time be fixed by the board. The veterinarian shall be duly licensed under the laws of the State of California.

SEC. 16. The board of health within two weeks after its organization shall appoint a sanitary inspector, who shall be a skilled and practical plumber, an elector of the city and a resident therein for not less than one year. His duties shall be prescribed by the board of health. He shall be clothed with the powers of a police officer, and hold his office during the pleasure of the board of health. His salary shall be fixed by the board of health.

SEC. 17. Every member of the board of health and the health officer may administer oaths on matters connected with the health department.

ARTICLE IX.

PUBLIC UTILITIES.

Chapter I—Department of Electricity.

SECTION 1. There shall be a Department of Electricity which shall be under the management and control of a board of three commissioners, to be known as the board of electricity. They shall receive no compensation. They shall be appointed by the mayor, subject to the approval of the council as elsewhere provided, and shall hold office for three years, and until their successors are appointed and qualified;

Provided, however, that the members first appointed shall at their first meeting so classify themselves by lot that they shall go out of office in one, two and three years, respectively, after their appointment. They shall be electors of the city.

They shall have charge of the construction and maintenance of the electric light and power works, now owned by the city, of the fire alarm and police telegraph and telephone systems and of such telegraph and telephone systems as the city now owns or may hereafter own or control. They shall organize within one week after the first appointment, and annually thereafter, by electing one of their number chairman, whose term of office shall be one year and until his successor has been elected. The city clerk shall act as secretary of the board and shall keep the minutes and records thereof.

SEC. 2. The board of electricity shall hold regular meetings at least once in each month, and at such other times as it may determine. Special meetings may be called at any time by any member, due notice in writing being given to the other members. Its meetings shall be open to the public.

SEC. 3. In every instance when a power is exercised by the board of electricity under this charter, the vote thereon shall be taken by ayes and noes and entered on the minutes of the board, except as otherwise provided herein.

SEC. 4. The board of electricity shall cause to be kept a proper and comprehensive system of accounts, in such form as shall be approved by the auditor, showing in detail the receipts from all sources and showing in segregation the expenditures for running expenses, betterments and purchase of new machinery.

SEC. 5. Subject to the restrictions elsewhere in this charter expressed, the board of electricity shall have power:

One. To manage and control the property of the city appertaining to the electric department; and to superintend the construction, maintenance and improvement of the electric plant, the management, sale and distribution of power, light and heat and the collection of rates for the same.

Two. To purchase all machinery, materials, fuel and supplies necessary for the maintenance and efficient operation of the department.

Three. To employ, pay, transfer and dismiss such employés of the electric department and at such times as in their judg-

ment may be necessary; to fix, alter and improve their salaries and compensation, to withhold for good and sufficient cause the whole or any part of the salaries or compensation of any person employed by them; to make, establish and enforce all necessary regulations for the efficiency of the department.

SEC. 6. The board of electricity shall present to the council annually in each year a detailed report for the year ending June 30, which shall show the amount of money received from all sources, and the balance on hand. The report shall show in segregation the amounts expended for salaries and other running expenses, betterments, purchase of machinery and any other subdivision required by the auditor. It shall also give a complete inventory of the property under the control of the board, together with an itemized statement of the cost, condition and present value thereof; with such other information and suggestions as the board may deem of general interest. The board of electricity shall also make to the council regular monthly reports of the receipts and expenditures for the preceding month, segregating the items of expenditure as above provided.

SEC. 7. On or before the second Monday in May in each year the board of electricity shall submit to the council an estimate of the income which may be expected to be derived during the ensuing fiscal year from the sale of electric current, and an estimate of the amount which in their judgment will be needed from the city for betterments, repairs and running expenses, including the expense of lighting the public streets and buildings of the city, the cost of the current for the fire alarm system and such other public use as they may estimate will be required and recommend a rate to be charged.

SEC. 8. All moneys apportioned by the council for use of the department of electricity, together with all moneys collected by the board of electricity, shall be set apart in a fund to be known as the electric fund, which fund shall be drawn on only by order of the board of electricity except as otherwise provided in this charter.

SEC. 9. The board of electricity shall not have power to create any debts or liabilities in any one year to exceed the actual revenue or available means in the city treasury under their control; *provided,* that in case of disaster, fire, riot, earthquake or public enemy the board may, with the approval of the mayor and council, incur extraordinary expenditures; and the council may by ordinance cause to be transferred to the electric fund from the general fund sufficient moneys to pay the same.

SEC. 10. All moneys collected by the board of electricity from any source shall be by them deposited with the city treasurer or city depository on the same day on which they are collected, and in such manner as shall be prescribed by the auditor.

SEC. 11. The rates to be charged for electric light, power and heat shall be fixed annually by the council.

SEC. 12. No part of the money in said electric light fund shall be used for any purpose other than the following:

One. The council at the time of fixing the general tax levy shall apportion from said fund an amount sufficient to meet all payments coming due, as principal or interest, on all outstanding electric light works bonds, before the time of fixing the next general tax levy, and the money so apportioned shall be used to meet such payments and for no other purpose.

Two. For the necessary expenses of conducting the electric department, operating the works and making the repairs extensions and betterments necessary to meet the requirements of the city and other consumers.

SEC. 13. Every demand on the electric fund shall be signed by two members of the board and attested by the signature of their secretary, giving the date of its approval.

SEC. 14. All contracts for supplies, materials, machinery or construction work where the amount to be expended exceeds five hundred dollars shall be advertised and awarded to the highest bidder, except that the board may determine to reject all bids.

SEC. 15. Whenever the City of Alameda shall acquire any public utility under the provisions of this charter, the mayor shall provide for the control and operation of said utility by the appointment of a board of three commissioners, and their duties and powers shall be prescribed by ordinance on lines similar to those provided in this charter for the government and control of the board of electricity.

ARTICLE X.

ALCOHOLIC LIQUORS.

SECTION 1. It shall be unlawful for any person, firm or corporation to establish, open, keep, maintain or carry on within the City of Alameda any saloon, bar, store, dramshop, tippling place, stand or any place where spirituous, malt or fermented liquors or wines or any admixture thereof, are sold or given away, or for any person, firm or corporation (except as hereinafter provided) to sell or barter or give away within the limits of the city any spirituous, malt or fermented liquors or wines or any admixture thereof, without having permission pursuant to an ordinance of the council or people, as provided in this article. The provisions of this article shall not apply to the sale or dispensing of the said liquors, or any of them, by a regularly and duly licensed pharmacist, in the course of his business as a druggist, for medicinal purposes, at his drug store, when the same are sold or dispensed upon a prescription of a duly and regularly licensed physician. Violation of any of the provisions of this section shall constitute a misdemeanor.

SEC. 2. Subject to the provisions of this charter the council shall have power by ordinance to impose all license taxes for, and to confine within the limits of time and place and otherwise regulate the selling and giving away of any spirituous, malted or fermented liquors or wines or any admixture thereof.

SEC. 3. No license provided for in this article shall be granted for a sum less than five hundred dollars per annum, payable quarterly in advance.

SEC. 4. No remission of any such license shall be made during the period for which it is granted, and the bonds required to be given by keepers or proprietors of saloons or drinking houses shall not in any case be fixed at less than one thousand dollars.

SEC. 5. No license issued under the provisions of this article shall be assignable or transferable without the consent of the council endorsed thereon, such consent being evinced by resolution, and only to such person, firm or corporation as may have filed a bond as heretofore provided, and complied in all other respects with such preliminary requirements as are provided by law.

Provided, that in case any licensee is charged with violation of the provisions of this article or of any ordinance imposing restrictions on his conduct as such licensee, which charge or charges result in an investigation by the council or by any court or other body authorized by law to conduct such investigation, then during such investigation or during a trial upon such charge or charges, and also after conviction, if the same shall follow, no transfer of said license shall be granted.

SEC. 6. Upon sufficient cause being shown or proof furnished to the council that any person, firm or corporation holding a license under the provisions of this article has violated any of the provisions thereof, or of any ordinance of the city relative to the sale of liquors, the council shall, upon notice being given to the person, firm or corporation so licensed, revoke such permission, cancel the license and declare the bond forfeited. Any license shall be revoked ipso facto by judgment of conviction of the holder thereof of a felony or of the violation of any of the provisions of any ordinance by this article authorized.

SEC. 7. No license shall be issued entitling the licensee to carry on the business licensed at more than one place. Each licensee shall at all times keep his license posted in a conspicuous place in his saloon or place of making sales thereunder,

so that the license shall at all times be easy to be read by any person entering said place.

SEC. 8. No license shall be required for the purpose of selling liquors at wholesale to any retail dealer in this city who holds a license under the provisions of this article.

ARTICLE XI.

Chapter I—Elections.

SECTION 1. Elections to be held in the City of Alameda for the purpose of electing officers thereof, and for all other purposes, shall be of two kinds, general municipal elections and special municipal elections.

SEC. 2. General municipal elections shall be held on the second Monday in April, in each odd numbered year, and shall be for the purpose of electing all officers made elective by the terms of this charter, and for other purposes in this charter provided. The first election under this charter shall be held on the second Monday of April, 1907.

SEC. 3. Special municipal elections for all such purposes shall be held on such days as shall be fixed by the council therefor, and also on such days as are elsewhere provided for in this charter.

SEC. 4. All general and special municipal elections shall, in all respects as nearly as may be, be held and conducted in accordance with the provisions of the laws of the state for the holding of general elections in effect at the time, and the council shall make all necessary arrangements for holding said elections in accordance therewith; and the canvass and the declaring of the result of all elections by the council shall be in accordance with the provisions of the state laws and of this charter.

SEC. 5. The qualifications of an elector at any election held in the city in pursuance of this charter shall be the same as those prescribed by the laws of this state for electors at any general election in force at the time of such election.

SEC. 6. At the first election held under this charter a full council shall be elected, who shall hold office as elsewhere in this charter provided, and until their successors are elected and qualified. Members of the council and other elective officers shall take office at eight o'clock p. m. on the third Monday in April, next after their election.

Chapter II—Mode of Nomination and Election.

SEC. 7. The mode of nomination and election of all officers except councilmen nominated from wards, to be voted for at any general municipal election shall be as follows:

Not later than thirty days and not earlier than sixty days before any general municipal election, electors of the city may, by written petition, present names of candidates for election. The signatures to the said petition need not be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number when such designation by street and number can be given. One of the signers of each paper shall swear that the statements therein made are true, and that each signature to said paper is a genuine signature of the person whose name purports to be thereto subscribed.

Each candidate shall be proposed by not fewer than fifty electors of the city. No more than one candidate may be named in any one petition, and no person may sign more than one petition for a candidate for any one office.

SEC. 8. Such petition shall be presented to the city clerk, and if accompanied by the written acceptance of the nominee, shall be filed by the city clerk. He shall immediately examine the great register and therefrom and from certificates of registration shall ascertain whether or not such petition is signed by the requisite number of qualified electors; and if necessary the council shall allow him extra help for the purpose, and he shall within five days, attach his certificate to said petition, showing the result of his examination.

If by the clerk's certificate it shall appear that the petition has not been signed by the requisite number of electors as herein provided, it may be amended within five days from the

date of said certificate by the further addition of names. The clerk shall, within five days after such amendment, make like examination of said amended petition and shall certify to the result of his examination.

SEC. 9. If the petition shall be found to be sufficiently signed as herein provided the clerk shall enter the name of the candidate so nominated in a list, and shall, not later than ten days prior to the election, certify said list as being a list of candidates nominated as required by this section, and shall cause said certificate, together with said list of names and the offices for which the candidates were respectively nominated, to be published at least five successive days prior to the election, in two daily newspapers published in the city.

SEC. 10. The city clerk shall cause ballots to be printed, numbered and bound, which ballots shall contain said list of names and of the respective offices as published; and the following caption: "Municipal Election, City of Alameda, (inserting date thereof). To vote, stamp or write a cross opposite the name of the candidate voted for or the measure voted on."

The names of the candidates shall be arranged on such ballots in the following order: "For Mayor, vote for one"; "For Auditor and Assessor, vote for one"; "For Treasurer and Tax Collector, vote for one"; "For Police Judge, vote for one," following with the name of any other office to be filled at that election except that of councilman, the names of the candidates for councilmen to be the last on the ballot; *provided* that at the first election held under the provisions of this charter the tickets shall read, as regards councilmen to be nominated at large, "Vote for two."

The names of the candidates for each office shall be arranged in alphabetical order. There shall be nothing on any ballot indicative of the source of nomination or of support of any candidate.

SEC. 11. The mode of nomination and election of councilmen nominated from wards shall be as is heretofore provided in this article with the exception that the signatures to the

petitions for each such councilman shall be limited to those of electors from the ward in which the councilman resides, and each petition shall be signed by not less than twenty electors. The names of councilmen nominated from wards shall be preceded by these words: "For Councilman from — Ward" (naming the ward) "vote for one."

SEC. 12. Each ballot shall contain blank spaces underneath the printed names of offices, wherein a voter may write the name of any candidate for whom he may wish to vote.

SEC. 13. The ballots shall be printed on paper provided by the secretary of state, which paper shall be such as is provided for use at state elections, and the form provided for state elections shall be adhered to as closely as practicable, and still conform to the provisions of this chapter.

SEC. 14. Each elector may vote for as many of said candidates as there are offices to be filled, by writing or stamping a cross in the square opposite the name of the candidate. The candidates in number equal to the number to be chosen, who have the highest number of votes, shall be declared elected.

SEC. 15. Any candidate nominated to fill a vacancy and to serve the remainder of an unexpired term, may be nominated as above provided, but such candidate shall be designated on the ballot as a candidate to fill a vacancy, and the term of the vacancy shall be stated.

SEC. 16. If any candidate who shall have received the highest number of votes shall prove to be disqualified, then the qualified candidate who shall receive the number of votes next highest shall be entitled to the office.

Chapter III.

SEC. 17. The term of each office, elective or appointive, shall be limited to the good behavior of the holder thereof, who shall be subject to removal as provided by this charter and by general law.

ARTICLE XII.

MISCELLANEOUS.

SECTION 1. Whenever in this charter the word "city" occurs, it means the City of Alameda, and every department, board and officer, whenever either one of them is mentioned in this charter, means a department, board, or officer, as the case may be, of the City of Alameda.

SEC. 2. The fiscal year shall begin with the first day of July, and end with the last day of June of each year.

SEC. 3. All officers mentioned in this charter, elected or appointed, at the time of their election or appointment, must be citizens of the United States and residents of the city, and must continue to so reside in the city during their respective terms of office or employment.

SEC. 4. Compensation of city officers shall not be increased or diminished during the terms of their respective offices.

SEC. 5. The restriction in this article in regard to citizenship and residence shall not apply to school teachers, except that immediately after their appointment they shall become and shall continue to be residents of this city.

SEC. 6. If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively, without the permission of the council, or shall fail to qualify by taking the oath of office and filing his official bond whenever such bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or shall resign, or be convicted of any felony, or be adjudged insane, his office shall be vacant and the vacancy filled as herein provided. The mayor shall have the power to appoint suitable persons to fill vacancies in any office, except as this charter otherwise provides. The appointee shall hold for the unexpired term and until the election or appointment and qualification of his successor.

SEC. 7. The improvement, widening and opening of streets, the planting of trees, and all other matters not specified in this charter, shall be done, and assessments therefor levied, in conformity with and under the authority conferred by general law.

SEC. 8. The mayor, the auditor and the city clerk shall together count the money in the treasury at least once in three months, and see if the amount on hand tallies with the amount that should be in said treasury shown by the proper books of the city, and they shall make a written report thereof to the council.

SEC. 9. All officers and boards shall turn over and deliver to their respective successors designated in this charter, all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments in their possession or under their control.

SEC. 10. No member of the council, or of any board, and no officer or employé of the city shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the city treasury, nor shall either or any of them receive any gratuity or advantage from any contractor or person furnishing labor or material for the same.

SEC. 11. No officer of the city shall give or promise to give to any person, any portion of his compensation, or any money or any valuable thing in consideration of having been, or of being nominated, appointed, voted for or elected to any office or employment.

SEC. 12. No officer or employe shall accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employé, or any one under his charge, or from any candidate or applicant for any position as employé or subordinate under him.

SEC. 13. A violation of any provision of the three sections *last preceding* shall cause a forfeiture of his office, or

shall be forever disbarred and disqualified from being elected, appointed or employed in the service of the city.

SEC. 14. Every officer who shall willfully approve, allow or pay any demand on the treasury not authorized by law, ordinance or this charter, shall be liable to the city individually and on his official bond for the amount of the demand so illegally approved, allowed or paid, and shall forfeit the office which he holds and be forever disbarred and disqualified from holding any position in the service of the city.

SEC. 15. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the police department shall not be subject to such inspection except by permission of the proper police authorities, or by order of the mayor.

SEC. 16. Copies or other extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five cents for certifying to such certified copy or extract.

SEC. 17. Except where otherwise provided for by law or this charter, all public offices shall be kept open for business during such hours as may be provided by ordinance.

SEC. 18. Every officer authorized by law or ordinance to allow, audit or certify demands upon the treasury, or to make any official investigation, shall have power to administer oaths and affirmations, and take and hear testimony concerning any matter or thing relative thereto.

SEC. 19. Unless otherwise provided by law or this charter, any officer, board or department authorized to appoint any deputy, clerk, assistant or employé, shall have the right to remove any person so appointed. This right shall not apply

to the removal of appointees on the several boards or commissions, which boards or commissions are, by this charter, vested with the management and conduct of branches or departments of the government of the city.

SEC. 20. All ordinances, resolutions and regulations of the city in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

SEC. 21. All officers of the city when this charter takes effect shall continue to hold and exercise their respective offices under and in accordance with the terms of this charter, until the election or appointment and qualification of their successors provided for herein.

SEC. 22. The board of trustees of the present City of Alameda shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result thereof.

SEC. 23. The compensation of all paid officers and employés of the city for whose compensation no provision has been made in this charter, shall be fixed by the council.

SEC. 24. It shall be the duty of every officer and person in the employ or service of the city, when it comes to his knowledge that any contract or agreement with the city or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the mayor all facts and information within his possession concerning such matter, and a willful failure so to do shall be cause for removal of such officer or employé as in the case of malfeasance in office.

SEC. 25. All advertising required by the city may be published in a daily newspaper printed and published in this city, and which newspaper shall have been established at least one year immediately preceding the date of the contr for doing such advertising.

SEC. 26. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of different kinds of material or supplies than has been actually received, shall be guilty of malfeasance and shall be removed from office.

SEC. 27. Should any part or parts, provision or provisions of this charter be illegal or unconstitutional, such illegality or unconstitutionality shall destroy and render null and void only the part or provisions so illegal and unconstitutional, and all the other parts and provisions of this charter shall be in force and effect, so far as may be, as though such illegal part or provision had not been contained herein.

SEC. 28. For the purpose of holding and conducting the elections provided for by Section 6 of Article XI of this charter, this charter shall take effect from the time of the approval of the same by the legislature; and for all other purposes this charter shall take effect at 8 o'clock p. m. on the second Monday in April, 1907.

SEC. 29. This charter may be amended in accordance with the provisions of the constitution of this state.

WHEREAS, The City of Alameda, a city containing a population of more than ten thousand inhabitants, did on the 27th day of January, 1906, at a special election held under and in accordance with the provisions of Section 8, Article XI of the constitution of the State of California, elect a board of fifteen freeholders to prepare and propose a charter for said city,

Be it known that in pursuance of said provisions of the constitution and within a period of ninety days after such election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the said City of Alameda, and that in proposing and submitting such charter the said board of fifteen freeholders pursuant to said provision of the constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the proposed charter, two alternative propositions, hereinafter stated and designated respectively as "Alternative Proposition No. 1," and "Alternative Proposition No. 2."

Said alternative propositions shall be submitted to the voters for their approval or rejection, and if one or both be approved by majority vote, shall, one or both, take the place or places of two certain other provisions embodied in the foregoing charter.

The said Alternative Proposition No. 1 shall, if approved by majority vote, take the place of Section 2, Article X of the proposed charter; and the said Alternative Proposition No. 2 shall, if approved by majority vote, take the place of Chapter III, Article XI, of the proposed charter.

Said alternative propositions shall be submitted to the voters at the same election at which the charter shall be submitted, and upon the ballots shall be printed: "Shall Alternative Proposition No. 1, providing for limiting to twenty, the number of licenses which may be granted to retail liquor saloons take the place of Section 2, Article X?" and "Shall Alternative Proposition No. 2 providing for a mode of removal, by the electors of the city, of elected and appointed officers, said mode being known as the Recall, take the place of Chapter III, Article XI?"

ALTERNATIVE PROPOSITION NO. 1.

Shall the following be substituted in place of Sec. 2, Article X?

SEC. 2. Subject to the provisions of this charter the council shall have power by ordinance to impose all license taxes for,

and to confine within the limits of time and place and otherwise regulate the selling and giving away of any spirituous, malted or fermented liquors or wines or an admixture thereof;

Provided, that the council shall not have power to grant more than twenty of the licenses or permits specified in this article to be in force at any one time. The licenses granted shall be numbered consecutively from 1 to 20, and not more than one license bearing any one number from 1 to 20, inclusive, shall be valid at one time.

ALTERNATIVE PROPOSITION NO. 2.

Shall the following chapter be substituted in place of Chapter III, Article XI?

Chapter III—Recall.

SEC. 17. The term of each office, elective or appointive, shall be limited to the good behavior of the holder thereof who shall be subject to removal as provided by this charter and by general law.

SEC. 18. The removal by the electors of the city, of any elected officer, may be effected as follows:

A petition or petitions, signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote cast for mayor, at the last preceding general municipal election, demanding an election of a successor of said incumbent, shall be addressed to the council and filed with the city clerk. Said petition shall contain a general statement of the grounds for which said removal is sought. The method of procedure after the filing of the petition shall be as provided in Sections 27 and 28, Chapter III of Article II.

SEC. 19. The council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election, and the same shall be conducted, and the result thereof declared in all respects as are those of *other city elections.* The successor of any officer so removed

shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he request otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some person other than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who has received the highest number of votes shall fail to qualify within ten days after receiving notification of his election, the office shall be deemed vacant and shall be filled by appointment, as elsewhere provided; *provided* that no one who has been recalled under the provisions of this chapter shall be appointed to fill the vacancy. If the incumbent has received the highest number of votes, he shall continue in office.

SEC. 20. The holder of any appointive office may be removed by the electors of the city. The initial procedure to effect such removal shall be as is provided in Section 18 of this article.

SEC. 21. The council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election and the same shall be conducted and the result thereof declared in all respects as are other city elections.

SEC. 22. If, prior to the publication by the council, as provided in Section 19 of this article, the office which is sought by the petition to vacate, has been legally vacated, by resignation or otherwise, further proceedings under the petition shall thereupon terminate, and the office shall be filled by appointment of a person other than the former incumbent, as elsewhere in this charter provided.

SEC. 23. In case such office shall not have been vacated prior to publication by the council, as provided in Section 22 of this article, a referendum vote shall be had as provided in

this article. The tickets to be voted at such referendum shall be as follows: "For the removal of ————," naming the officer the removal of whom is sought to be accomplished, and "Against the removal of ———," naming the officer whose removal is sought to be accomplished.

The ballots shall be provided with squares at the right hand of each voting proposition, in which the voter may make a cross, indicative of his vote.

SEC. 24 In case the result of the ballot shall show a majority vote against removal the incumbent shall continue to hold office. In case the result shall show a majority vote for removal, he shall, upon the announcement thereof, as elsewhere provided, cease to hold office, which shall thereupon by the council be declared to be vacated, and the vacancy shall thereupon be filled as is elsewhere provided for the filling of the said office.

IN WITNESS WHEREOF we have hereunto set our hands and seals at the City of Alameda, State of California, this 26th day of April, 1906.

Done in duplicate.

EDW'D K. TAYLOR (Seal)
President.
GEO. A. MOORE (Seal)
Vice-President.
BRAINARD C. BROWN (Seal)
ISAAC N. CHAPMAN (Seal)
P. W. BARTON (Seal)
E. J. BEVAN (Seal)
FREDERICK E. MASON (Seal)
JULIUS MAGNIN (Seal)
J. D. JAMISON (Seal)
J. C. LINDERMAN (Seal)
WILLIAM H. NOY (Seal)
H. G. MEHRTENS (Seal)
PAUL K. BUCKLEY (Seal)
H. M. KEBBY (Seal)
HENRY MICHAELS (Seal)

Board of Freeholders, City of Alameda, State of California.

ATTEST:

BRAINARD C. BROWN, Secretary.

STATE OF CALIFORNIA, COUNTY OF ALAMEDA, CITY OF ALAMEDA. } ss.

I, Wm. J. Gorham, President of the board of trustees of the City of Alameda, State of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter were on the 27th day of January, 1906, at a special municipal election held in said City of Alameda on said day, duly elected by the qualified electors of said city, to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety days after said election as required by Section eight of Article eleven of the constitution of this state; that said proposed charter was then published in the Alameda Daily Argus and in the Daily Encinal which then were daily newspapers of general circulation in said city, and that such publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter as required by said Section eight, to wit: on the 18th day of July, 1906, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter and the alternative propositions submitted therewith; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole, excepting that Alternative Proposition No. 1 and Alternative Proposition No. 2 therein contained being each separately voted on were each ratified by a majority of such votes and were therefore chosen and substituted respectively for Section 2 of Article X and for Chapter III of Article XI of said proposed charter; that the returns of said election were duly canvassed by the board of trustees of said City of Alameda on the 6th day of August,

Syracuse,
PAT. JAN. 21,

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